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9	BOARD OF REGISTERED NURSING	
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11	STATE OF CAL	
12	In the Matter of the Accusation Against:	Case No. 2010 - 445
13	GREGORY THOMAS SHEPPARD	ACCUSATION
14	2675 Brickell Square Atlanta, Georgia 30341	ACCUSATION
15	Registered Nurse License No. 703076	
16	Respondent.	
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18	Louise R. Bailey, M.Ed., RN ("Complainant") alleges:	
19	<u>PARTIES</u>	
20	1. Complainant brings this Accusation solely in her official capacity as the Interim	
21	Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer	
22	Affairs.	
23	2. On or about May 3, 2007, the Board	issued Registered Nurse License
	2. Off of about May 3, 2007, the Board	
24	Number 703076, to Gregory Thomas Sheppard ("Re	
		espondent"). The license was in full force
24	Number 703076, to Gregory Thomas Sheppard ("Re	espondent"). The license was in full force
24 25	Number 703076, to Gregory Thomas Sheppard ("Re and effect at all times relevant to the charges brough	espondent"). The license was in full force

## **JURISDICTION**

- 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.

#### STATUTORY PROVISIONS

- 5. Code section 2761(a) states, in pertinent part, that the Board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for unprofessional conduct.
  - 6. Code section 2762 states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- (a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.
- (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

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#### COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## **DRUGS**

- 8. "Fentanyl" is a Schedule II controlled substance as designated by Health and Safety Code section 11055(c)(8).
- 9. "Demerol," a brand of meperidine hydrochloride, a derivative of pethidine, is a Schedule II controlled substance as designated by Health and Safety Code section 11055(c)(17).
- 10. "Vicodin" is a compound consisting of 5 mg. hydrocodone bitartrate also known as dihydrocodeinone, a Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4), and 500 mg. acetaminophen per tablet.
- 11. "Versed" is a brand name for Midazolam Hydrochloride and a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(21).

## FIRST CAUSE FOR DISCIPLINE

# (Falsified, Made Incorrect or Inconsistent Entries In Hospital or Patient Records)

12. Respondent is subject to discipline under Code section 2761(a), on the grounds of unprofessional conduct, as defined in Code section 2762(e), in that between April 30, 2007, and May 18, 2007, while employed as a traveling registered nurse at Cross Country TravCorps (registry), and on assignment at Saint Agnes Medical Center, located in Fresno, California, Respondent falsified, made grossly incorrect, grossly inconsistent or unintelligible entries in hospital or patient records in the following respects:

#### Patient #1:

a. On or about May 10, 2007, at 1457 hours, Respondent signed out 100 mcg. of Fentanyl. At 1549 hours, Respondent charted the administration of 50 mcg. of Fentanyl, but failed to account for the disposition of the remaining 50 mcg. of Fentanyl in any hospital or

patient record. In addition, Respondent withdrew the medication fifty-two (52) minutes before administering it to the patient.

- b. On or about May 10, 2007, at 1517 hours, Respondent signed out two (2) 100 mcg. vials of Fentanyl. At 1645 hours, Respondent charted the administration of 50 mcg. of Fentanyl, but failed to account for the disposition of the remaining 150 mcg. of Fentanyl in any hospital or patient record. In addition, Respondent withdrew the medication thirty-two (32) minutes before administering it to the patient.
- c. On or about May 10, 2007, at 1652 hours, Respondent signed out 100 mcg. of Fentanyl. At 1655 hours, Respondent charted the administration of 50 mcg. of Fentanyl, but failed to account for the disposition of the remaining 50 mcg. of Fentanyl in any hospital or patient record.

#### Patient #2:

- d. On or about May 14, 2007, at 1009 hours, Respondent signed out two (2) 100 mcg. vials of Fentanyl without a physician's order, and failed to account for the disposition of the Fentanyl in any hospital or patient record.
- e. On or about May 14, 2007, at 1709 hours, Respondent signed out two (2) 100 mcg. vials of Fentanyl without a physician's order, and failed to account for the disposition of the Fentanyl in any hospital or patient record.
- f. On or about May 14, 2007, at 2222 hours, Respondent signed out two (2) 100 mcg. vials of Fentanyl without a physician's order, and failed to account for the disposition of the Fentanyl in any hospital or patient record.

#### Patient #3:

- g. On or about May 14, 2007, at 0853 hours, Respondent signed out two (2) 100 mcg. vials of Fentanyl without a physician's order, and failed to account for the disposition of the Fentanyl in any hospital or patient record.
- h. On or about May 14, 2007, at 1135 hours, Respondent signed out two (2) 100 mcg. vials of Fentanyl without a physician's order, and failed to account for the disposition of the Fentanyl in any hospital or patient record.

On or about May 14, 2007, at 1708 hours, Respondent signed out two (2)
 100 mcg. vials of Fentanyl without a physician's order, and failed to account for the disposition of the Fentanyl in any hospital or patient record.

## Patient #4:

- j. On or about May 18, 2007, at 1423 hours, Respondent signed out two (2) 100 mcg. vials of Fentanyl, but failed to account for the disposition of the Fentanyl in any hospital or patient record.
- k. On or about May 18, 2007, at 1841 hours, Respondent signed out two (2) 100 mcg. vials of Fentanyl, but failed to account for the disposition of the Fentanyl in any hospital or patient record. Moreover, Respondent had clocked out of work at 1700 hours.

## Patient #5:

- 1. On or about May 18, 2007, at 1151 hours, Respondent signed out two (2) 100 mcg. vials of Fentanyl without a physician's order, and failed to account for the disposition of the Fentanyl in any hospital or patient record.
- m. On or about May 18, 2007, at 1850 hours, Respondent signed out two (2) 100 mcg. vials of Fentanyl without a physician's order, and failed to account for the disposition of the Fentanyl in any hospital or patient record.

#### Patient #6:

n. On or about April 30, 2007, at 1104 hours, Respondent signed out four (4) 100 mcg. vials of Fentanyl, but failed to account for the disposition of the Fentanyl in any hospital or patient record.

## SECOND CAUSE FOR DISCIPLINE

# (Obtained, Possessed, and Self-Administered Controlled Substances)

13. Respondent is subject to discipline under Code section 2761(a), on the grounds of unprofessional conduct as defined in Code section 2762(a), in that between April 30, 2007, and May 18, 2007, while a registered nurse at Saint Agnes Medical Center, Fresno, California, Respondent did the following:

- a. Respondent obtained Fentanyl, a controlled substance, by fraud, deceit, misrepresentation or subterfuge or by the concealment of a material fact in violation of Health and Safety Code section 11173(a), by signing out Fentanyl for various patients and taking it for his own personal use.
- b. Respondent possessed Fentanyl, a controlled substance, in violation of Code section 4060, in that he did not have a prescription for that controlled substance.
- c. Respondent self-administered Fentanyl, a controlled substance, without direction to do so from a licensed physician and surgeon, dentist or podiatrist.

# EBONY UNIVERSITY HOSPITAL

## THIRD CAUSE FOR DISCIPLINE

## (Possessed and Self-Administered Controlled Substances)

- 14. Respondent is subject to discipline under Code section 2761(a), on the grounds of unprofessional conduct as defined in Code section 2762(a), in that in or about 2006, while a registered nurse at Ebony University Hospital, located in Georgia, Respondent did the following:
- a. Respondent possessed Vicodin, Versed, and Demerol, all controlled substances, in violation of Code section 4060, in that he did not have a prescription for those controlled substances.
- b. Respondent self-administered Vicodin, Versed, and Demerol, all controlled substances, without direction to do so from a licensed physician and surgeon, dentist or podiatrist.

#### PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

 Revoking or suspending Registered Nurse License Number 703076, issued to Gregory Thomas Sheppard;

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1	2. Ordering Gregory Thomas Sheppard to pay the Board of Registered Nursing the
2	reasonable costs of the investigation and enforcement of this case, pursuant to Code section
3	125.3; and,
4	3. Taking such other and further action as deemed necessary and proper.
5	DATED:
6	Li Saile
7	LOUISE R. BAILEY, M.Ed., RM
8	Interim Executive Officer  Board of Registered Nursing  Papartment of Consumer Affairs
9	Department of Consumer Affairs State of California Complainant
10	Complaniant
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12	SA2009102347
13	Accusation (kdg) 2/4/2010
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